

Jordan



Comptroller General
of the United States

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Washington, D.C. 20548..

Decision

Matter of: ORI Services Corporation

File: B-261225

Date: July 28, 1995

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Department of the Navy, for the agency.
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the General Counsel, GAO, participated in the preparation of
the decision.

DIGEST

Under a solicitation which required offerors to submit a staffing matrix identifying proposed individuals to perform specified tasks in the statement of work, as well as resumes for key technical personnel, agency properly considered the experience described in resumes to evaluate capabilities of personnel included in the staffing matrix.

DECISION

ORI Services Corporation (ORISCO) protests the award of a contract to Unisys Corporation under request for proposals (RFP) No. N00244-95-R-5092, issued by the Department of the Navy. The contract is for hardware engineering, installation, and technical documentation services to support testing of computer programs for use at the Integrated Combat System Test Facility at the San Diego Naval Surface Warfare Center. ORISCO contends that the agency improperly evaluated its proposal.

We deny the protest.

The RFP contemplated award of a cost-plus-fixed-fee, indefinite delivery/indefinite quantity contract for a base year with 3 option years. Proposals were to be evaluated on the basis of cost and three technical factors: personnel qualifications (60 points), technical and management approach (26 points), and corporate experience (14 points). Technical factors were more important than cost, which was not numerically rated. Award was to be made to the offeror whose proposal was most advantageous to the government. The

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RFP advised offerors that the agency intended to award the contract on the basis of initial proposals, without discussions, and that offerors should submit their best terms.

Five offerors, including ORISCO and Unisys, submitted proposals by the December 21, 1994, closing date for receipt of proposals. The proposals were evaluated by a technical review board which concluded that only Unisys's proposal, with a highly satisfactory rating (95.08 out of a possible 100 points), was technically acceptable. ORISCO's proposal was rated marginal (67.33 points out of 100), and considered technically unacceptable, but capable of being made acceptable. In anticipation of the possibility of negotiations and a best value determination, the agency performed a preliminary cost realism assessment which resulted in an upward adjustment of all offerors' costs. Since Unisys submitted the only technically acceptable proposal, the agency performed a further cost evaluation of Unisys's costs. The agency determined that Unisys's costs, as adjusted, were fair and reasonable and awarded it the contract. After receiving a debriefing, ORISCO filed this protest.

This protest concerns the agency's evaluation of the proposals under the personnel qualifications factor (worth 60 points), focusing on two of its subfactors, the staffing matrix (35 points), and key personnel resumes (10 points). The protester's proposal was downgraded under the staffing matrix subfactor because the resumes of five of its proposed key personnel did not clearly demonstrate that they possessed specialized experience. ORISCO's proposal was also downgraded under the resume subfactor because not all of its personnel met certain "highly desirable" criteria.

ORISCO contends that the agency improperly considered its personnel resumes in evaluating its proposed staffing matrix. The protester takes the position that the staffing matrix subfactor was intended solely for the evaluation of labor categories, while the resume subfactor was solely for the evaluation of individuals. ORISCO's argument essentially is that the agency's consideration of resumes to evaluate the staffing matrix represents the use of an undisclosed evaluation factor. We disagree.

Solicitations must inform offerors of the basis for proposal evaluation, and the evaluation must be based on the factors set forth in the solicitation. Federal Acquisition Regulation §§ 15.605(e), 15.608. While agencies are required to identify the major evaluation factors, they are not required to identify all areas of each factor which might be taken into account, provided that the unidentified areas are reasonably related to or encompassed by the stated

criteria. Avogadro Energy Sys., B-244106, Sept. 9, 1991, 91-2 CPD ¶ 229. Here, the agency's consideration of the resumes under both subfactors is consistent with the stated evaluation criteria.

It is clear from the RFP that the agency sought sufficient personnel with specialized experience in performing the specified tasks. Section M of the RFP provided that each offeror's proposal was to be in the format prescribed by, and contain a response to every area identified in, section L. With regard to the staffing matrix, section L advised offerors to provide a matrix which showed staffing for the work, as defined in the statement of work, "including numbers of people in each labor category for each type of work, individuals to perform each type of work (per resumes), and the percentage of time each individual will perform each type of work." Section L provided a "workload definition" for which offerors were to propose the type and number of personnel to "sufficiently administrate, technically perform and support the concurrent tasking" of five stated tasks.¹

Under the personnel qualifications factor, section M described subfactor 1 as involving a "demonstration of an optimum mix of specialized experience for performing the planned work described in the Workload Definition, inclusive of equipment installation and facility work, unique system development and testing work." Subfactor 2 covered resumes for five identified key technical personnel categories. The staffing matrix was evaluated under the first subfactor and the qualifications of key personnel were evaluated under the second.

ORISCO's contention that the mix of labor categories alone was to be evaluated under the first subfactor is without merit. Performance of this contract requires skilled labor by key technical personnel. The RFP plainly requires offerors to include specific individuals in the staffing matrix. Thus, the agency reasonably considered the experience and capability of those who were proposed in order to evaluate whether they possessed the requisite specialized experience. This should have been clear to

¹These tasks included concurrent development of three engineering development data packages, one checkout task, two equipment installation tasks, and two additional tasks including facility planning and installation, document development or revision, system modification for emergent tasks, and parts of unique system development or testing effort.

ORISCO from the RFP. While the consideration of resumes was not specifically identified under this subfactor, it was clearly reasonably related to or encompassed by the stated subfactor. See id.

ORISCO next contends that since the evaluators otherwise found it had proposed a "satisfactory" mix of the types of skills and experience for each tasking, it was improper to find its proposal unacceptable under the first subfactor on the basis of its proposed personnel allegedly lacking "specialized experience." ORISCO observes that "specialized experience" is only specifically defined in conjunction with resume instructions where that experience is denominated as "highly desirable." Since other qualifications are denominated as simply "desirable" and "essential," ORISCO contends that qualifications identified as "highly desirable" are therefore not required.² We disagree.

The RFP makes plain that specialized experience is necessary to perform this contract. The RFP explained that the Naval Surface Warfare Center is a land-based test site for testing newly developed combat system computer programs and for in-service engineering diagnostics of those programs for Navy surface combatants. The site provides a complete suite of hardware equipment, compatible with shipboard systems, to simulate, operate, and analyze the performance of the shipboard computer programs being tested. The equipment can be rapidly reconfigured to replicate the combat systems on various ships and classes of ships. The statement of work contained some 13 pages of tasks in the areas of engineering, installation, facility and quality assurance test services, document development and revision, data item delivery schedule, and unique system development. The

²In a related argument, ORISCO contends that it was improper for the evaluators to downgrade its proposal under the resume subfactor for personnel which did not meet the "highly desirable" qualifications since such qualifications are not minimum requirements. The agency essentially concedes this point, but maintains that ORISCO was not prejudiced by any improper scoring. ORISCO's proposal received 8 of the 10 possible points for its personnel resumes. The primary reason for ORISCO's low score on the personnel factor was its low score (11.9 out of 35 possible points) under the staffing matrix subfactor. Had it received all 10 points for its resumes, and an acceptable rating for this subfactor, the protester's personnel qualifications score would only increase by 2 points (to 30.33 out of the possible 60 points). Hence, we agree with the agency that the downgrading of ORISCO's proposal under the resume subfactor did not have any prejudicial effect.

workload definition set forth a comprehensive list of five concurrent tasks which the skill mix/staffing matrix had to address. Inasmuch as these tasks concern combat systems, the agency reasonably required that offerors provide a sufficient mix of personnel with specialized experience in combat, weapon, radar, sonar, or space systems.

While the RFP defines this experience in conjunction with resumes, and identifies it as "highly desirable," it also advised offerors that they were required to provide a matrix showing individual staffing for the work specified in the RFP. Thus, while this experience was simply "highly desirable" for various categories of key personnel (*i.e.*, not a minimum requirement for all such personnel), the RFP's description of the required tasks makes clear that offerors were responsible for proposing sufficient personnel with specialized experience to meet the contract requirements.

The protester apparently recognized this responsibility since a number of its personnel were evaluated as "highly desirable." While the protester had proposed a sufficient mix of labor categories, the personnel which it proposed within those categories had insufficient specialized experience. Specifically, the evaluators found that several of ORISCO's engineering personnel did not possess the requisite experience. They were concerned that three of the five tasks (development of engineering data packages, checkout services, and documentation updates) could not be supported in accordance with the RFP's specifications, while the other two (equipment and unique system installations) could be accomplished, but would be "seriously degraded." In the absence of personnel with sufficient experience, the evaluators reasonably found the protester's proposal unacceptable under this subfactor.

While the protester argues that its personnel are fully qualified, its protest submissions do not explain how they are so qualified. To the extent that the protester is arguing that the evaluators did not understand the resumes and that ORISCO could have resolved any questions in discussions, ORISCO, like all offerors, had to demonstrate affirmatively the merits of its proposal and ran the risk of rejection if it failed to do so. Hornet Joint Venture, B-258430.2, Jan. 27, 1995, 95-1 CPD ¶ 55. Where, as here, award is based upon initial proposals, the agency is not required to conduct discussions.

Finally, observing that it had proposed a significantly lower-cost proposal than did Unisys, ORISCO argues that the agency improperly adjusted its costs upward. We need not consider this argument because the agency made its award determination without considering ORISCO's adjusted costs. The fact remains that ORISCO submitted a technically

unacceptable proposal, and it has provided nothing to establish that the agency's evaluation was flawed. Unisys, with its highly satisfactory rating, was evaluated as the sole offeror with a technically acceptable proposal, and the agency determined that its costs, as adjusted for realism, were reasonable. In any event, an award by a military agency made on the basis of initial proposals to an offeror with a higher-cost proposal is unobjectionable where the solicitation did not require the agency to award to the offeror with the lowest overall cost proposal. See FAR... § 15.610(a); Macro Serv. Sys., Inc., B-246103; B-246103.2, Feb. 19, 1992, '92-1 CPD ¶ 200. Accordingly, we have no basis to disturb the agency's award decision.

The protest is denied.

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